

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3042 of 1992

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

GUJ STATE RAOD TRANSPORT CORPN

Versus

DASHRATH ISHWARBHAI PRAJAPATI

Appearance:

MR SM MAZGAONKAR for Petitioner

MR HK RATHOD for Respondent

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 26/08/97

ORAL JUDGEMENT

1. Heard the learned counsel for the parties and perused the award of the Labour Court, translation copy of which has been filed by the counsel for the petitioner.

2. The respondent-workman was ordered to be dismissed from the services by the petitioner after holding a departmental inquiry. The charge against the

respondent was that because of his negligent driving one cyclist has died in the accident. It has been found in on-the-spot inquiry that the workman was not negligent but the cyclist was on the other hand negligent. In the inquiry, however, the Inquiry Officer found the workman to be negligent in driving the vehicle on the ground that he was driving the vehicle at excessive speed. The Labour Court found as a fact that there is no evidence on the record that the respondent-workman was driving the vehicle at excessive speed.

3. The counsel for the petitioner is unable to point out any evidence on record of departmental inquiry that the workman respondent was driving the vehicle at excessive speed.

4. The very basis of the finding of the negligence as found by the Inquiry Officer is based on no evidence. In view of this fact, the Labour Court has not committed any error in ordering for the reinstatement of the workman in service with full backwages. Not only this, but further important things have been found by the Labour Court in favour of the workman and those are that the cyclist had wrongly entered in one way road and he dashed with the diesel tank of the vehicle. Another important fact found by the Labour Court is that the vehicle was at the lowest speed as on the spot there was a turn.

5. Taking into consideration the totality of the facts of this case, it cannot be said that the finding recorded by the Labour Court is perverse.

6. In the result, this special civil application fails and the same is dismissed. Rule discharged. Interim relief, if any, granted by this Court stands vacated. No order as to costs.

zgs/-